



**ROBINSON MCFADDEN**  
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.  
COLUMBIA, SOUTH CAROLINA

August 14, 2009

**VIA ELECTRONIC FILING**

Mr. Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

**Bonnie D. Shealy**  
1901 MAIN STREET, SUITE 1200  
POST OFFICE BOX 944  
COLUMBIA, SOUTH CAROLINA 29202  
PH  
(803) 779-8900 | (803) 227-1102 *direct*  
FAX  
(803) 252-0724 | (803) 744-1651 *direct*  
bshealy@robinsonlaw.com

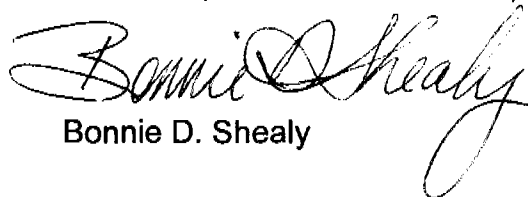
**Re: State Universal Service Support of Basic Local Service Included in a  
Bundled Service Offering or Contract Offering  
Docket No. 2009-326-C**

Dear Mr. Terrini:

Enclosed for filing please find the Statement of Position for the South Carolina Cable Television Association, CompSouth, tw telecom of south carolina llc, and NuVox Communications, Incorporated. By copy of this letter we are serving the same on all parties of record.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

  
Bonnie D. Shealy

/bds  
enclosure

cc/enc: Parties of record (via email and U.S. Mail)  
David Butler, Hearing Examiner (via email and US Mail)  
John J. Pringle, Jr., Esquire (via email)

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2009-326-C**

IN RE:	)	
	)	
	)	<b>SOUTH CAROLINA CABLE</b>
	)	<b>TELEVISION ASSOCIATION,</b>
State Universal Service Support of Basic	)	<b>COMPSOUTH, tw telecom of south</b>
Local Service Included in a Bundled	)	<b>carolina llc, AND NUVOX</b>
Service Offering or Contract Offering	)	<b>COMMUNICATIONS INCORPORATED</b>
	)	<b>STATEMENT OF POSITION</b>
	)	

---

Pursuant to the Commission Hearing Officer's Directive dated July 31, 2009, the South Carolina Cable Television Association, Competitive Carriers of the South ("CompSouth"), tw telecom of south carolina llc, and NuVox Communications, Inc. (jointly "CLECs") filed this statement of their position on the issue of whether basic local service should receive State Universal Service support when it is included in a bundled service offering or contract offering.

It is the position of the CLECs that lines which are parts of unregulated bundles and contract offerings should not receive USF support. S.C. Code Section 58-9-285, enacted in 2005, deregulated both "bundled offerings" and "contract offerings." When the General Assembly deregulated bundles and contract offerings, this Commission lost jurisdiction over what rates would be charged for those services. Specifically, for local services sold as a part of a bundle or contract offering there is no maximum rate set and controlled by this Commission.

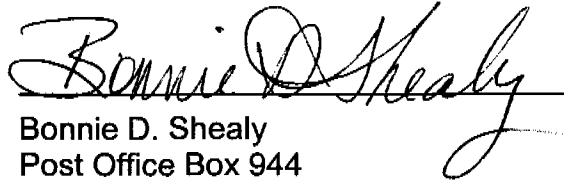
Under the terms of Section 58-9-285(B)(1) "[t]he Commission must not: impose any requirements related to the terms, conditions, rates, or availability of

any bundled offering or contract offering...." Services sold as parts of bundles or contract offerings and not subject to a maximum rate cannot qualify as basic local services eligible for support pursuant to the USF. It is the CLECs' position that the Commission must address this issue and apply the law enacted by the General Assembly by revising its guidelines to clarify that lines sold as parts of bundles or contract offerings cannot receive USF support or be included in any calculation of the size of the USF.

Dated this 14<sup>th</sup> day of August, 2009.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.



Bonnie D. Shealy  
Post Office Box 944  
Columbia, SC 29202  
Telephone (803) 779-8900  
[bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

COUNSEL FOR SOUTH CAROLINA CABLE  
TELEVISION ASSOCIATION, COMPSOUTH  
AND tw telecom of south carolina llc

AND

JOHN J. PRINGLE, JR.  
ELLIS LAWHORNE & SIMS, P.A.  
P.O. Box 2285  
COLUMBIA, S.C. 29202  
TELEPHONE (803) 343-1270  
[JPRINGLE@ELLISLAWHORNE.COM](mailto:JPRINGLE@ELLISLAWHORNE.COM)

COUNSEL FOR NuVOX COMMUNICATIONS  
INC.

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**DOCKET NO. 2009-326-C**

IN RE:

State Universal Service Support of Basic  
Local Service Included in a Bundled  
Service Offering or Contract Offering

**CERTIFICATE OF SERVICE**

This is to certify that I, Leslie Allen, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **STATEMETN OF POSITION ON BEHALF OF THE SOUTH CAROLINA CABLE TELEVISION ASSOCIATION, COMPSOUTH, tw telecom of south carolina, llc, AND NUVOX COMMUNICATIONS INCORPORATED** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Nanette S. Edwards, Esquire  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, SC 29211

Burnet R. Maybank, III, Esquire  
Nexsen Pruet, LLC  
PO Drawer 2426  
Columbia, SC 29202

Patrick W. Turner, Esquire  
BellSouth Telecommunications, Inc.  
Post Office Box 752  
Columbia, SC 29202

M. John Bowen, Jr., Esquire  
Margaret M. Fox, Esquire  
McNair Law Firm, P.A.  
P.O. Box 11390  
Columbia, SC 29211

Scott A. Elliott, Esquire  
Elliott & Elliott  
721 Olive Street  
Columbia, SC 29205

Steven W. Hamm, Esquire  
Richardson, Plowden, Carpenter & Robinson, PA  
1900 Barnwell Street  
P.O. Drawer 7788  
Columbia, SC 29202-7788

Benjamin P. Mustian, Esquire  
Willoughby & Hoefer, P.A.  
1022 Calhoun Street, Suite 320  
Post Office Box 8416  
Columbia, SC 29202

John M.S. Hoefer, Esquire  
Willoughby & Hoefer, P.A.  
1022 Calhoun Street, Suite 320  
Post Office Box 8416  
Columbia, SC 29202

William R. L. Atkinson, Esquire  
Sprint Nextel Corporation  
233 Peachtree Street, N.E., Suite 2200  
Atlanta, GA 30303

Dated at Columbia, South Carolina this 14<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
Leslie Allen